

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
CLEVELAND DIVISION

UNITED STATES OF AMERICA,)	CRIMINAL NO.: 1:21-cr-226
)	
Plaintiff,)	
)	JUDGE PAMELA A. BARKER
vs.)	
)	
)	
DAVIS LU,)	
)	
Defendant.)	

**DEFENDANT'S MOTION TO EXTEND THE DEADLINES FOR
FILING POST-CONVICTION PLEADINGS**

Now comes the Defendant, Davis Lu ("Mr. Lu"), by and through undersigned counsel, Friedman, Nemecek, Long & Grant, L.L.C., and hereby respectfully requests that this Honorable Court extend the deadlines for filing a Motion for a Judgment of Acquittal and/or a Motion for New Trial under Rules 29 and 33 of the Federal Rules of Criminal Procedure. Mr. Lu so moves pursuant to Rule 45(b) of the Federal Rule of Criminal Procedure.

As the Court is aware, the jury returned its verdict on March 7, 2025, finding Mr. Lu "Guilty" of the sole Count of the Indictment. (Doc. #81). As such, a Motion for a Judgment of Acquittal and/or a Motion for New Trial under Rules 29 and 33 of the Federal Rules of Criminal Procedure, respectively, would need to be filed on or before March 21, 2025.

Mr. Lu and his family have informed the undersigned that they are in the process of retaining Peter Zeidenberg of Arentfox Schiff, L.L.P., to represent Mr. Lu in

challenging his conviction in this case. Counsel has conferred with Attorney Zeidenberg and confirmed that he intends to enter an appearance in this case in the coming days. Thereafter, Attorney Zeidenberg will review the pertinent case materials as well as the trial transcripts to determine whether there are legitimate grounds to file any post-conviction Motions, including a Motion for a Judgment of Acquittal and/or a Motion for New Trial pursuant to Federal Crim.P. R. 29 and 33, respectively. Given the voluminous discovery materials as well as the complex nature of the case, however, Attorney Zeidenberg will be unable to competently review the materials and/or file said Motions within the statutorily prescribed deadlines. Accordingly, the undersigned respectfully moves this Honorable Court to extend the fourteen (14) day deadlines currently set to expire on or about March 21, 2025.¹

¹ Attorney Zeidenberg has expressed his intention to provide the Court with a proposed deadline schedule for submitting any post-conviction Motions that may be warranted once he has formally entered a Notice of Appearance and/or Substitution in this case.

WHEREFORE, the Defendant, Davis Lu, hereby respectfully moves this Honorable Court to extend the deadlines for filing a Motion for Judgment of Acquittal and/or a Motion for New Trial, which are presently set to expire on or about March 21, 2025.

Respectfully submitted,

Dated: March 19, 2025

/s/ Eric C. Nemecek
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion was filed by CM/ECF on the 19th day of March, 2025, which will send a notification of such filing electronically to the following: Brian Deckert, Assistant United States Attorney, 801 Superior Avenue, Cleveland, OH 44113.

Respectfully submitted,

/s/ Eric C. Nemecek

ERIC C. NEMECEK

IAN N. FRIEDMAN

Counsel for Defendant